

1 RYAN L. DENNETT, ESQ.
2 Nevada Bar No. 005617
rdennett@dennettwinspear.com
3 JENNIFER INSLEY MICHERI, ESQ.
Nevada Bar No. 10089
jinsley-micheri@dennettwinspear.com
4 **DENNETT WINSPEAR, LLP**
5 3301 N. Buffalo Drive, Suite 195
Las Vegas, Nevada 89129
6 Telephone: (702) 839-1100
Facsimile: (702) 839-1113
7 **Attorneys for Defendant, State Farm**
Mutual Automobile Insurance Company

8

9

10

11 CYNTHIA KESTLER,

Plaintiff,

Case No: 2:23-cv-00856-GMN-DJA

12 vs.

13

14 STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY, a foreign
corporation; STATE FARM EMPLOYEE,
an individual; DOE INDIVIDUALS I-X,
inclusive; and ROE CORPORATIONS I-X,
inclusive,

15 Defendants.

16

17

18

19 **STIPULATION AND ORDER FOR DISMISSAL OF EXTRA-CONTRACTUAL (BAD FAITH**

AND PUNITIVE DAMAGES) CLAIMS; AND TO DISMISS THE CASE, WITH PREJUDICE

FOR ADJUDICATION OF THE REMAINING CONTRACTUAL CLAIMS

VIA BINDING ARBITRATION

20

21 IT IS HEREBY STIPULATED by and between Plaintiff Cynthia Kestler by and through her
counsel of record, ALBERTO CASTRO, ESQ., of the Richard Harris Law Firm, and Defendant,
22 STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY (hereinafter "State Farm"), by
23 and through its counsel JENNIFER INSLEY MICHERI, ESQ., of the law firm of DENNETT
24 WINSPEAR, LLP, that Plaintiff's claims for extra-contractual (bad faith), punitive damages
25 (including but not limited to Plaintiff's Second, Third and Fourth Cause of Action), and any other
26 claims involving claims outside of the contractual relationship between STATE FARM
27
28

1 AUTOMOBILE INSURANCE COMPANY, and CYNTHIA KESTLER, are hereby dismissed,
2 with prejudice.

3 The claims for contractual UIM benefits remain for determination via Binding
4 Arbitration according to party agreement.

5 As such, the parties hereto seek to dismiss the instant litigation with prejudice by way
6 of this Stipulation and Order.

7 Both sides acknowledge that each side will bear their own attorneys' fees and costs as
8 it relates to the litigation.

9 DATED: 4-12-2024

DATED: 4-15-2024

10 RICHARD HARRIS LAW FIRM

DENNETT WINSPEAR, LLP

11
12 By /s/ Alberto Castro
13 ALBERTO CASTRO, Esq.
14 Nevada Bar No. 14690
15 801 South Fourth Street
16 Las Vegas, Nevada 89101
Telephone: 702-444-4444
Attorneys for Plaintiff,
Cynthia Kestler

By /s/ Jennifer Insley Micheri
JENNIFER INSLEY MICHERI, ESQ.
Nevada Bar No. 10089
3301 N. Buffalo Drive, Suite 195
Las Vegas, Nevada 89129
Telephone: 702-839-1100
Attorneys for Defendant, State Farm
Fire and Casualty Insurance Company

17
18
19 **ORDER**
IT IS SO ORDERED. The Clerk of Court is kindly instructed to
close the case.

20 DATED: April 15, 2024

21
22
23 United States District Court Judge
24
25
26
27
28

Theresa Amendola

From: Jennifer Insley Micheri
Sent: Monday, April 15, 2024 7:36 AM
To: Theresa Amendola
Cc: Anthony Amendola
Subject: FW: Kestler v State Farm - binding arb; SAO dismiss litigation
Attachments: 24-04-01-SAO DsmsEC.BindArb.doc

In the meantime, please get this on file with Feds today so I do not have to draft a MSJ.

Thank you!

Jennifer Insley Micheri, Esq.



3301 North Buffalo Drive, Suite 195

Las Vegas, Nevada 89129

702.970.7711 - Direct

702.839.1100 - Main

702.839.1113 - Fax

CONFIDENTIALITY NOTICE: INFORMATION IN THIS MESSAGE IS INTENDED ONLY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE RECIPIENT(S) NAMED ABOVE. This message may be an Attorney-Client communication, or may be an Attorney Work Product, and is therefore privileged and confidential. If the reader of this message is not the intended recipient or an agent responsible for delivering it to an intended recipient, you are hereby notified that you have received this message in error, and that any review, dissemination, distribution, or copying of this message is strictly prohibited. If you received this message in error, please notify the sender immediately by return email, delete the message and return any hard copy printouts to the address above. Thank you.

From: Alberto Castro
Sent: Friday, April 12, 2024 9:46 AM
To: Jennifer Insley Micheri <jinsley-micheri@dennettwinspear.com>
Subject: RE: Kestler v State Farm - binding arb; SAO dismiss litigation

You may affix my signature and submit.

Thank you for drafting.

Best,

Alberto Castro, Esq.
Lawyer-Partner

Las Vegas
801 South 4th Street
Las Vegas NV 89101
Ph. (702) 444-4444 x 284

Reno
6900 S. McCarran Blvd., #1010
Reno NV 89509
Ph. (775) 222-2222



Please read the [Legal Disclaimer](#) that governs this email and any attachments.

From: Jennifer Insley Micheri <jinsley-micheri@dennettwinspear.com>
Sent: Wednesday, April 10, 2024 2:55 PM
To: Alberto Castro <Alberto@richardharrislaw.com>
Subject: FW: Kestler v State Farm - binding arb; SAO dismiss litigation

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Alberto,

Please advise at your earliest convenience if we may submit the attached SAO with your e-signature, or if you would like to discuss further.

I forwarded you a draft binding arbitration agreement under separate cover. Let me know if you need another copy.

I look forward to hearing from you soon.

Thank you,

Jennifer Insley Micheri, Esq.



3301 North Buffalo Drive, Suite 195
Las Vegas, Nevada 89129
702.970.7711 - Direct
702.839.1100 - Main
702.839.1113 - Fax

CONFIDENTIALITY NOTICE: INFORMATION IN THIS MESSAGE IS INTENDED ONLY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE RECIPIENT(S) NAMED ABOVE. This message may be an Attorney-Client communication, or may be an Attorney Work Product, and is therefore privileged and confidential. If the reader of this message is not the intended recipient or an agent responsible for delivering it to an intended recipient, you are hereby notified that you have received this message in error, and that any review, dissemination, distribution, or copying of this